

EXHIBIT

8

A portion of this document has been redacted pursuant to the Stipulated Protective Order (Docket No. 66) (Aug. 30, 2012), ¶ 6. An unredacted version has been filed under seal.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MARY MORGAN, et al., on
behalf of themselves and all
others similarly situated

Plaintiffs,

vs.

Civil Action No.:
3:12CV373

RICHMOND SCHOOL OF HEALTH
AND TECHNOLOGY, INC.

Defendant.

DEPOSITION OF TAMMARA R. HERBERT

September 13, 2012
1:00 p.m.

Taken at:
BRENNER, EVANS & MILLMAN
411 East Franklin Street
Richmond, Virginia 23219

REPORTED BY: HELEN B. YARBROUGH, RPR, CCR, CLR

COOK & WILEY, INC.
Registered Professional Reporters
3751 Westerre Parkway, Suite D-1
Richmond, Virginia 23233
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APPEARANCES:

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Tara Ramchandani, Esquire
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Counsel for the Defendant

ALSO PRESENT:
Allison Pincus

I N D E X

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48	Acceptance Letter, Bates No. RSHT0011168 46
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50	Statement of Rights and Responsibilities Summary Checklist, Beginning with Bates No. RSHT0011114 50
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TAMMARA R. HERBERT, a Plaintiff, called by the Defendant, first being duly sworn, testified as follows:

EXAMINATION BY MR. DE WITT:

Q Will you please state your full name, please.

A My name is Tammara Rolesia Herbert.

Q Herbert?

A Correct.

Q If you could spell, please, your first, middle and last name.

A Okay. My first name is spelled T-A-M-M-A-R-A. My middle name is R-O-L-E-S-I-A. And my last name is H-E-R-B-E-R-T.

Q Thank you.

A You are welcome.

Q And your date of birth?

A [REDACTED]

Q And the last four digits of your social?

A [REDACTED]

Q Thank you. Ms. Herbert, my name is Alex de Witt. I'm an attorney, and I represent the

1 (Pages 1 to 4)

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1 Q I'm trying to understand the time frame.
2 Were you still taking classes at J. Sargeant Reynolds
3 when you started at RSHT, or had you finished your
4 coursework at J. Sargeant Reynolds?

5 A I was not enrolled in J. Sargeant Reynolds
6 at the time of my involvement at RSHT.

7 Q Okay. Was there a lapse of time? What was
8 the time period between finishing up J. Sargeant
9 Reynolds and starting RSHT? Do you remember?

10 A I don't.

11 Q How did you fund your education at J.
12 Sargeant Reynolds?

13 A I don't understand the question.

14 Q Was there a tuition charge at J. Sargeant
15 Reynolds?

16 A Yes.

17 Q Okay. How did you pay for tuition at J.
18 Sargeant Reynolds?

19 MR. SCHLACTUS: Objection based on the
20 scope of Judge Gibney's discovery limitations. You
21 can go ahead and answer.

22 A I received a Pell Grant.

23 Q Did you take on any federal student loans?

24 A I did not.

25 Q The Pell Grant by itself was sufficient to

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1 pay the tuition at J. Sargeant Reynolds?

2 A Yes, sir.

3 Q How about VCU? Did you have a Pell Grant to
4 fund that tuition as well?

5 A No.

6 Q Did you pay that out-of-pocket?

7 A Yes, sir.

8 Q So when you came to RSHT, you had no federal
9 student loan obligations?

10 A What you do you mean by "obligations"?

11 Q Had you taken out any federal student loans
12 prior to RSHT?

13 A Are you asking, like, if I took one out,
14 like, right before I went to RSHT or anytime during my
15 schooling career?

16 Q Anytime prior to RSHT. I'm not talking
17 about any loans you took out at RSHT. I'm talking
18 about before.

19 A And you're saying loans, not Pell Grants?

20 Q Loans only, yes, ma'am.

21 A No, I had never had a loan.

22 Q Okay. So you had the Pell Grant, and that's
23 the only type of tuition funding that you'd obtained
24 through the federal government?

25 A That is correct.

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1 Q Thank you. All right. How did you learn
2 about RSHT?

3 A I had heard advertisements on radio and on
4 TV.

5 Q Do you remember which radio station?

6 A I don't.

7 Q Do you remember which television station?

8 A I don't.

9 Q Do you remember approximately when you heard
10 the radio advertisements?

11 A I don't.

12 Q There's an allegation, I believe, in the
13 complaint, second amended complaint, that you
14 first learned about RSHT in the summer of 2005. Does
15 that sound accurate?

16 A It does.

17 Q Okay. Would you have heard the radio
18 advertisements in approximately the summer of 2005, or
19 do you have any memory one way or the other?

20 A I don't.

21 Q Same thing with television advertisements?

22 A I don't remember.

23 Q Do you remember anything about the
24 advertisements?

25 A No.

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1 Q In other words, like, the message or what
2 you saw? You have no memory of that?

3 A No, sir.

4 Q Okay. When you saw the advertisements,
5 what's the next step you took? Did you contact RSHT?

6 A Yes, sir.

7 Q How did you contact them?

8 A I don't -- I don't follow your question.

9 Q Did you pick up the phone and call someone
10 at RSHT?

11 A I don't remember.

12 Q Do you know if you went to RSHT to see the
13 campus?

14 A I did.

15 Q Was that your first contact with RSHT?

16 A I don't know.

17 Q So you have no memory one way or the other
18 whether you talked to somebody on the phone in the
19 summer of 2005?

20 A No.

21 Q Okay. Tell me your first memory of having
22 any contact with somebody at RSHT. What is your
23 first memory?

24 A My first memory was seeing someone in
25 admissions.

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1 Q Okay. Before you saw that someone in
2 admissions, had you done any research regarding RSHT?

3 A No.

4 Q Okay. Had you talked to anyone about
5 RSHT -- friends, family, anybody?

6 A I had not.

7 Q Okay. So all you knew at that point is what
8 you'd seen in an advertisement or heard in a radio
9 advertisement?

10 A That's correct.

11
12 (Off-the-record discussion.)

13
14 BY MR. DE WITT: (Continuing)

15 Q So you physically went to the RSHT campus;
16 is that correct?

17 A That's correct.

18 Q The Richmond campus at Willow Lawn?

19 A Correct.

20 Q Which was near your -- were you at the
21 beauty -- Sally Beauty?

22 A No.

23
24 (Ms. Pincus arrives at the deposition.)
25

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1 Q You don't remember talking to a receptionist
2 or intake person?

3 A I don't remember.

4 Q Okay. Do you remember filling in a form?

5 A I can't say that I do.

6 MR. DE WITT: Okay. Go ahead and mark
7 this as 45. I'll give one to your counsel.

8 MR. SCHLACTUS: Thank you.
9

10 (Deposition Exhibit 45 is marked.)
11

12 Q Ms. Herbert, take a second and look at this
13 document and let me know if it looks familiar.

14 A It does.

15 MR. SCHLACTUS: Did you look at the
16 whole document?

17 A It looks familiar.

18 Q Is this your handwriting on this student
19 data sheet?

20 A Yes.

21 Q On the front page, top right corner of this
22 form, there's a date of 6/20/04. Did you go to RSHT
23 in June of 2004, or could that have been a typo and
24 you meant to write 6/20/05, or you just don't know one
25 way or the other?

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1 Q When you went over to the Richmond campus of
2 RSHT, did you have a specific interest?

3 A I did.

4 Q What was that?

5 A Nursing.

6 Q Is that an interest you'd developed while
7 you were attending J. Sargeant Reynolds?

8 A Yes.

9 Q Okay. Were you taking any specific classes
10 at J. Sargeant Reynolds that triggered that interest?

11 A No.

12 Q All right. Okay. So you were just -- you
13 were about to tell me about your first memory with the
14 admissions officer. Do you remember, was it a male or
15 female?

16 A Female.

17 Q Do you remember her name?

18 A Jackie.

19 Q Okay. And where was the meeting? Where in
20 the building? Do you remember?

21 A It was in her office.

22 Q When you arrived at the campus, RSHT's
23 Richmond office, was Jackie the first person you spoke
24 to when you were there?

25 A I don't remember.

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1 A No, I don't remember.

2 Q You just don't know one way or the other
3 whether you could have gone there in June of 2004?

4 A No, I do not.

5 Q Okay.

6 A That is, I did not --

7 MR. SCHLACTUS: Were you done with your
8 answer?

9 THE WITNESS: No. I'm looking at the
10 paper.

11 Upon further inspection, some of the
12 things on here are not my handwriting, and there are
13 some things that are.

14 Q All right. What items are your handwriting?
15 Is everything in the personal data section your
16 handwriting?

17 A No.

18 Q What's not your handwriting in the personal
19 data section?

20 A (Pause.)

21 Q Ma'am, did you hear my question?

22 A I did. I'm thinking, sir.

23 Q Let me ask you, where it says "Name," is
24 that your handwriting?

25 A I can read. I just need a second.

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1 Q And do you remember the conversation?

2 A Just, I remember her telling me they still
3 didn't have anything available.

4 Q Anything else?

5 A No.

6 Q Did you make any other type of inquiry at
7 RSHT with respect to job placement other than those
8 two conversations?

9 A No.

10 MR. DE WITT: Okay, Ms. Herbert, thank
11 you very much for your patience today. I don't know
12 if your lawyers have any follow-up for you, but that
13 would be my questions.

14 MR. SCHLACTUS: I've just got a few
15 short follow-ups.

16 EXAMINATION BY MR. SCHLACTUS:

17 Q Let me first ask you a couple questions
18 about the clinicals that Mr. de Witt was asking you
19 about?

20 A Yes.

21 Q Was one of them at a day care center?

22 A Yes.

23 Q And was that one of them that you mentioned?

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1 A No.

2 Q What was the name of that facility?

3 A It was Monument Child Day Care. It was
4 located in a church -- in a church off of Monument.

5 Q And can you take a moment and think if there
6 are any others besides the day care center or the few
7 that you talked Mr. DeWitt about? And just to the
8 best of your recollection, make sure you've indicated
9 all of them here today.

10 A I believe that is all.

11 Q Okay. Thank you. And you said there were
12 other RSHT students that went to the clinicals with
13 you; is that correct?

14 A Yes.

15 Q Were they other LPN students?

16 A Yes.

17 Q Were any of them from other RSHT programs?

18 A No.

19 Q I want to ask you a question just to make
20 sure something earlier in the deposition was clear.
21 Mr. DeWitt, at a couple points, asked you questions
22 about talking to other RSHT students. When you were
23 at RSHT, did you talk to other RSHT students?

24 A Yes.

25 Q When you were at RSHT, did you talk to other

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1 RSHT students about various aspects of your experience
2 at RSHT?

3 A Yes.

4 Q Okay. Thank you. You sat for the LPN
5 licensing examination, right?

6 A Yes, sir.

7 Q And you did not pass; is that correct?

8 A That is correct, I did not.

9 Q Is that why you stopped looking for an LPN
10 job after you graduated from RSHT?

11 A That is correct. You cannot practice -- you
12 cannot practice licensed practical nursing without a
13 license.

14 Q You said something about your intent to take
15 the LPN licensing examination again; is that right?

16 A Correct.

17 Q And I just wasn't clear on whether you were
18 saying that you had the intent to take the exam again
19 at a certain point in the past or whether you still
20 have the intent and hope to take it some day. Can you
21 tell me which one it was?

22 A I still hope to.

23 Q I'm going to show you Exhibit Number 57
24 again, and I'm going to direct your attention to the
25 second page. Do you see near the top where there's

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1 the question, "How did your training program at RSHT
2 prepare you for your job?"

3 A Yes.

4 Q And the answer checked there is
5 "Adequately"; is that right?

6 A Correct.

7 Q Your job at that time was at Sally's Beauty;
8 is that right?

9 A Correct.

10 Q And did your training at RSHT have any
11 relationship to your duties at Sally's Beauty?

12 A It did not.

13 Q Coming down a little bit, there's text that
14 you wrote in, starting with the reference to Belinda
15 Robertson. Do you see that?

16 A Yes.

17 Q Okay. What was your relationship with
18 Ms. Robertson like while you were a student at RSHT?

19 A She was friendly and helpful. She worked in
20 financial aid.

21 Q Okay. How did she treat you?

22 A She -- she treated me pretty well.

23 Q What kinds of things did you talk to her
24 about?

25 A I asked her a few questions regarding

HERBERT DEPOSITION
EXHIBIT 49

RSHT Training Center

ENROLLMENT AGREEMENT



Main Campus:
1601 Willow Lawn Drive, Suite 320
Richmond, VA 23230

Branch Campus: ☐
702 Charlton Avenue, Suite A
Charlottesville, VA 22902

Name: Tammara Herbert SSN: [REDACTED]
 Address: [REDACTED] Birth date: [REDACTED]
 City: Richmond State: Va Zip Code: 23222

As the above-named applicant, I hereby agree to be enrolled in the Practical Nursing program which is 60 weeks of instructional time. Classes are scheduled to begin on 6/21/05 and end on Sept 1, 2006. Classes meet Mon-Fri from 8:30 AM to 5:30 pm.

I understand that the estimated total costs of this program are as follows:

Total tuition of \$ 18,000, a non-refundable registration fee of \$ 75, and — fee of \$ —. Should I have to repeat a course, I will be charged a per credit hour fee of \$ 220. I understand that the above fees are in fact an estimate, and that the actual cost of these items will be billed to my account per semester or similar period of enrollment. I hereby acknowledge payment of a deposit of \$ 75, leaving a balance due to the institution of \$ 18,000.

I hereby agree to all provisions of this Enrollment Agreement, and understand that I have agreed to accept a place in the class described above and agree to pay to the RSHT Training Center all fees according to the terms and conditions contained herein. Furthermore, I acknowledge that I have read, fully understand, and received a copy of this agreement.

I understand that this agreement becomes a legally binding instrument upon the school's written acceptance of my application, unless cancelled by me pursuant to the refund policy contained within this agreement.

Student Signature: [Signature] Date: 6/21/05
 Grantor's Signature: [Signature] Date: 6/21/05

Note: Please read and initial the statements on the back of this sheet.



Form # 316/RSHT Revised 09/16/2004

Attendance:

Attendance is required at all scheduled classes. If in an emergency an absence becomes necessary, the student must notify the school prior to the beginning of the scheduled class. Students with seven consecutive absences or total absences exceeding 25% of their scheduled classes, will be dropped from the program. Refer to the School Catalog and Student Handbook for further details.

Initials GH**Cancellation and Refund Policy:**

If an applicant cancels this agreement no later than the third business day after the date of this agreement, a full refund will be made. Failure to cancel within the three business days obligates the applicant to the registration fee. The registration fee for the Practical Nursing Program is \$75.00 and the registration fee for all other programs is \$50.00. If a class is cancelled by the school, all monies will be refunded.

All students will be charged a non-refundable application fee plus the cost of textbooks, materials, and supplies received in addition to the tuition charges as specified below. The portion of the program completed will be determined by the number of weeks attended. Any portion of a week's attendance will be considered a full week for the purpose of the refund calculation.

1. If a student does not begin classes, no more than \$100.00 of the tuition paid will be retained by the school.
2. A student who enters school but withdraws prior to completing the first 25% of the period charged will be assessed 50% of the tuition charges for the period.
3. A student who withdraws after completing the first 25%, but prior to completing 50% of the period charged, will be assessed 75% of the tuition charges for the period.
4. A student who withdraws after completing half, or more than half, of the period charged is assessed 100% of the tuition charges for the period.

Refunds are made within 30 days of the cancellation date or date of withdrawal.

Initials GH**Standards:**

Students are required to abide by the proper standards for dress and conduct while in attendance at all classes and externship training. Profanity, disorderly conduct, or other action which, in the opinion of the school is disruptive, will not be tolerated and will be grounds for dismissal for the program.

Initials GH**Placement:**

Each graduate may avail him or herself of the school's job placement assistance program. RSHT Training Center DOES NOT GUARANTEE EMPLOYMENT. However, every effort will be made to assist the graduate in obtaining employment. There is no charge for this service.

Initials GH

RSHT Training Center reserves the right to make changes to the program start date, content, schedule, and/or training hours as deemed necessary.

Initials GH**Conditions of Agreement:**

This constitutes the entire agreement between the applicant and the school, and no other promise or agreement, expressed or implied, has been made either orally or in writing. Should the student fail to meet the terms of his/her financial obligations contained in this agreement, the school reserves the right to add to this agreement a reasonable amount for collection costs incurred including, but not limited to, collection agency fees, attorney fees of 33.3%, court costs, etc.

Initials GH

Form # 316/RSHT Revised 09/16/2004